



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

June 7, 2004

Colonel Timothy J. Gallagher
District Engineer
U.S. Army Corps of Engineers
P.O. Box 898
Anchorage, Alaska 99506-0898

Re: POA-2004-285-1
Keene Channel

Attn: Carlos Paez

Dear Colonel Gallagher:

The National Marine Fisheries Service (NMFS) has reviewed the above referenced proposed project by Dan Miller to drive two steel piles for a 12-foot by 36-foot float in Keene Channel.

Section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act requires Federal agencies to consult with NMFS on all actions that may adversely affect Essential Fish Habitat (EFH). NMFS is required to make conservation recommendations, which may include measures to avoid, minimize, mitigate or otherwise offset adverse effects. The Alaska Department of Fish and Game has cataloged at least six streams within a three mile radius of the project site that support runs of pink and coho salmon, cutthroat trout and Dolly Varden char. Juvenile salmon use the inshore area of Wrangell Narrows and Keene Channel during spring and early summer for feeding and predator avoidance prior to migration out to sea. The inshore area of the project location also provides important habitat for several marine species including Pacific cod, arrowtooth flounder, Pacific ocean perch, dusky rockfish, shortraker/rougheye rockfish, yelloweye rockfish, flathead sole, rex sole, sablefish and sculpins.

We offer the following EFH Conservation Recommendations pursuant to Section 305(b)(4)(A) of the Magnuson-Stevens Act.

1. The float should not be placed in or over eelgrass beds.
2. No portion of the float may ground at any tidal stage.
3. The float should not be constructed with wood that has been surface or pressure-treated with creosote or treated with pentachlorophenol. Creosote contains numerous constituents that are toxic to aquatic organisms including polycyclic aromatic hydrocarbons (PAHs), phenolic compounds, and nitrogen- sulfur- or oxygenated heterocyclics (Poston, 2001). Leaching of these constituents continues throughout the life of the wood and has been associated with the development of tumors, immune system suppression, decreased fecundity and abnormal embryonic development. Pentachlorophenol has high chronic toxicity to aquatic life.



4. No in-water work should be permitted from March 15 through June 15 of any year to protect out migrating salmon and rearing salmonid smolts

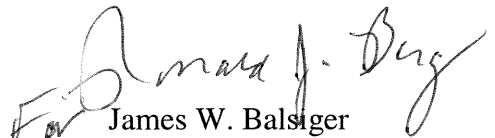
5. Pile-driving can disrupt migration and cause physical damage to fish. Drive piles during low tide periods in intertidal and shallow subtidal areas to prevent injuries to fish. Use a vibratory hammer if driving hollow steel piles. If conditions require the use of impact hammers for seismic stability or due to substrate conditions, the pile should be driven as deep as possible with a vibratory hammer prior to use of the impact hammer. If peak sound pressure levels from deepwater pile driving exceed the 180 dB re μ Pa threshold for injury to fish (which is unlikely if small diameter piles are used) implement measures to reduce sound pressure such as: surrounding the pile with an air bubble curtain, using a smaller hammer to reduce the sound pressure, or using a hydraulic hammer if impact driving cannot be avoided.

6. Reasonable precautions should be taken to prevent accidental discharge of petroleum products. Materials must be available on-site to clean up any petroleum spilled as a result of construction activities.

Under section 305(b)(4) of the Magnuson-Stevens Act, the Corps is required to respond to NMFS EFH recommendations in writing within 30 days. If the Corps will not make a decision within 30 days of receiving NMFS EFH Conservation Recommendations, the Corps should provide NMFS with a letter within 30 days to that effect, and indicate when a full response will be provided.

If you have any further questions, please contact Cindy Hartmann at 907-586-7585.

Sincerely,


James W. Balsiger
Administrator, Alaska Region

cc: Dan Miller, Applicant, 9168 Ninnis Drive, Juneau, AK 99801
Chris Meade, EPA Juneau
Janet Schempf, ADF&G
Ed Grossman, USFWS, Juneau
Jim Cariello, ADNOR-OHMP, Petersburg

References:

Poston, Ted. 2001. *Treated Wood Issues Associated with Overwater Structures in Marine and Freshwater Environments*. White Paper, Washington Department of Fish and Wildlife.
<http://wdfw.wa.gov/hab/ahg/overwatr.htm>